

HSNV PHASE III  
NEVADA BEAD  
GRANT REQUIREMENTS  
AUGUST 2024



HIGH  
SPEED NV



# TECHNICAL ASSISTANCE WEBINARS

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1

**BEAD Financial Requirements:**

**Date:** 08/21/2024

**Time:** 9:00 am PT

2

**BEAD Grant Requirements:**

**Date:** 08/23/2024

**Time:** 11:00 am PT

3

**BEAD Technical Requirements:**

**Date:** 08/23/2024

**Time:** 1:00 pm PT

4

**BEAD Program Design:**

**Date:** 08/26/2024

**Time:** 12:00 pm PT

5

**BEAD Scoring Rubric Overview:**

**Date:** 08/28/2024

**Time:** 11:00 am PT

# AGENDA

1. Overview - Subgrantee Qualifications
2. Organizational and Managerial Capabilities
3. Employment & Labor Practices
4. Compliance & Reporting Requirements
5. Questions?



# OVERVIEW

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# SUBGRANTEE QUALIFICATIONS

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The BEAD NOFO and Nevada IPv2 includes the following requirements for subgrantees:

**1 Financial capability:** Certifications and documentation, statement of letter of credit compliance, audited financial statements (Covered in 8/21 webinar)

**2 Organizational, Managerial and Technical capability:** Key management resumes, organizational charts, certification of operational readiness and experience offering relevant services, licenses and certifications, compliance with regulatory filings (Technical Capabilities in 8/23 webinar)

- **Experience and other public Funding:** Past experience on similar projects, including those involving public funding

**3 Federal labor and employment laws:** Adherence to federal and state labor and employment laws, documentation of labor and employment practices

**4 Compliance & reporting requirements:** Adherence to federal, State, and local laws; cybersecurity & supply chain risk management plans; Environmental and Historic Preservation (EHP); Build America, Buy American (BABA), Hiring Practices, Reporting, etc.



# **ORGANIZATIONAL AND MANAGERIAL CAPACITY**

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# ORGANIZATIONAL & MANAGERIAL CAPABILITY

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- **Organizational information chart** indicating key personnel, teams, and structure
- **Resumes** of key personnel, including managerial, technical, and operational positions, and plans to maintain sufficient management resources throughout the project period
- **Ownership information** (consistent with 47 C.F.R. § 1.2112(a)(1)-(7)), including 10% or more owners
- **Certifications and licenses** held by the business and key personnel, organized by role
- **Certifications** of technical qualifications and two years of relevant experience; that contractors will have necessary skills and certifications; that organization employs and will employ skilled and credentialed workforce; no current litigation related to the construction or operation of telecommunications networks (or explanation); recent and known upcoming changes, including mergers and acquisitions



# ORGANIZATIONAL & MANAGERIAL CAPABILITY

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## New Entrants:

- Evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities
  - Experience and capacity of the Applicant's proposed on-site technical team in successfully planning engineering, design, construction, and operations of similar projects.
- Evidence sufficient to demonstrate that the newly formed entity has the licensure and has met other requirements necessary to operate a business in the State of Nevada
  - Additional requirements for those claiming eligibility for small business provisions or a rural service provider bidding credit



# PAST PERFORMANCE AND PUBLIC FUNDING

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- **Past performance** on broadband projects (especially those similar in size and scope to the anticipated BEAD project)
- **Other public funding** that your organization or its affiliates have applied for or intend to apply for (including federal and state funding such as ARPA, RDOF, CAF, CARES, Enabling Middle-Mile Broadband Infrastructure Grant Program) for broadband deployment projects as well as project details for those publicly funded projects
  - Including project technology, project area, amount of funding requested, amount of match committed, proposed cost of end-user services, and resources committed to the projects



# LABOR & EMPLOYMENT

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# FAIR LABOR PRACTICES

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- **Detail past and future compliance with labor laws:**
  - Opportunity to provide explanation regarding any past violations
    - New entrants without an organizational record of labor and employment law compliance may submit evidence of past compliance by senior executives in previous roles at other organizations as evidence of past compliance
  - Policies and procedures to ensure future compliance
  - Compliance with civil rights and nondiscrimination laws
- **Prohibition on use of grant funds to support or oppose collective bargaining**



# WORKFORCE SAFETY

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- **Workplace safety scored as part of technical capacity:**
  - Comply with applicable laws such as the Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act, and any other applicable labor and employment laws
  - Describe how the Applicant, and all its subcontractors, will ensure proper workplace safety and that all members of the project workforce are authorized to and understand how to raise health and safety concerns in connection with the completion of the project

# WORKFORCE DEVELOPMENT

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- **Appropriately skilled and credentialed workforce** (including contractors and subcontractors)
  - Job titles, license requirements, credentials
  - Ability to recruit and train engineering, design, and construction labor
- **Commitment and Plan for hiring Nevada-based personnel** for engineering, design, construction, and marketing of the network

# WORKFORCE EQUITY

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- **Career path to higher wages and higher skilled positions**
  - Describe whether the company participates in apprenticeship programs or hiring programs that include outreach to nontraditional workers
  - Career paths and/or company-funded training
- **Initiatives to ensure a diverse pipeline of skilled broadband workers in Nevada**
  - Commitment to hiring and subcontracting programs that include outreach to women, underrepresented, and non-traditional workers and firms



# INCLUSIVE HIRING PRACTICES

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- MBEs = Minority business enterprises; WBEs = women-owned business enterprises
- Labor surplus areas defined: <https://www.dol.gov/agencies/eta/lsa>
- Encourage subgrantees, to the extent they use subcontractors, to certify outreach to MBEs, WBEs, and LSA firms.



# COMPLIANCE & REPORTING

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# BUILD AMERICA, BUY AMERICA

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## Comply with Build America, Buy America (BABA) Act:

Requirement that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted

FCC rules regarding equipment (see <https://www.fcc.gov/supplychain/coveredlist>)

Ban on fiber optic cable and optical transmission equipment manufactured in the People's Republic of China

See: [US Department of Commerce BABA Waiver](#)



# CYBERSECURITY AND SUPPLY CHAIN

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**Applicants will have the opportunity to update information regarding their cybersecurity and supply chain policies**

- **Cybersecurity:** applicants certify they have, or will have a compliant Cybersecurity Risk Management Framework , and
  - <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.29.pdf>
  - <https://www.nist.gov/cyberframework>
- **Supply Chain Risk Management (SCRM) Plan**
  - <https://csrc.nist.gov/pubs/ir/8276/final>
  - <https://csrc.nist.gov/pubs/sp/800/161/r1/final>

# SERVICE OBLIGATIONS

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## 1. Provide public notice of service availability

## 2. Affordability and low-cost plans:

- Low-cost service option
  - Provides the greater of (a) typical speeds 100/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the Federal Communications Commission pursuant to Section 706(b) of the Communications Act of 1934, as amended
  - Reference price of \$50 per month inclusive of all taxes, fees, and charges (\$75 on Tribal Lands or in high-cost areas as determined by the FCC)
  - No activation, installation, or security deposit fees
  - Provides typical latency measurements of no more than 100 milliseconds
  - Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere
  - In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost
- Participate in ACP successor

# TRIBAL ENGAGEMENT AND RESOLUTION

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1

Nevada has 28 federally-recognized Tribes and OSIT also has a long history of working with its Tribal Nations.

2

OSIT has been conducting Tribal consultations a part of its BEAD planning process.

3

Applicants must certify that they have already engaged with the Tribal entity or their designated authority and commits that if awarded, it will provide a binding Resolution of Consent prior to receiving the final award.



# NEPA AND NHPA

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1 Applicants must comply with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.)

2 Applicants must comply with the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.)

3 Cooperate with NTIA to identify feasible measures to reduce or avoid any identified adverse environmental impacts

4 Design projects to minimize the potential for adverse impacts on the environment

5 Applicants may need to provide additional project information after provisional award



# SUBGRANTEE REPORTING REQUIREMENTS

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# REPORTING REQUIREMENTS

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1

Submit to Eligible Entity, at least semiannually for the duration of the subgrant to track the effectiveness of the use of funds provided

2

NTIA may add additional reporting requirements that flow through to subgrantees

3

OSIT must make reports available to NTIA upon request

# REPORTING REQUIREMENTS

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- **Project Type**. Description of each type of project and/or other eligible activities carried out using the subgrant and the duration of the subgrant
- **Service Locations**. A list of addresses or location identifications (including the Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project
- **New Locations**. Identification of new locations served within each project area at the relevant reporting intervals, and service taken (if applicable)
- **Location Type**. Identification of whether each address or location is residential, commercial, or a community anchor institution
- **Technology**. Description of the types of facilities that have been constructed and installed
- **Speed**. Description of the *peak and off-peak actual speeds* of the broadband service being offered. Description of the *maximum advertised speed* of the broadband service being offered

# REPORTING REQUIREMENTS

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- **Pricing**. Description of the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered
- **Interconnection agreements**. List of all interconnection agreements that were requested, and their current status
- **Contracts**. The number and value of contracts and subcontracts awarded by the Subgrantee disaggregated by recipients of those such contracts or subcontracts that are Minority Business Enterprises (MBE) or Women's Business Enterprises (WBE)
- **Mapping**. Any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects
- **Financial Report**. Include an SF-425, Federal Financial Report and meet the requirements described in the [Department of Commerce Financial Assistance Standard Terms and Conditions](#), Section A.01 for Financial Reports
- **Other Reporting**. Comply with any other reasonable reporting requirements determined by the Eligible Entity to meet the reporting requirements established by the Assistant Secretary, and certify that the information in the report is accurate



# REPORTING REQUIREMENTS

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## For projects \$5,000,000 and over (based on expected total cost):

- Certification that laborers and mechanics employed by contractors or subcontractors working on the project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law
  - If such certification is not provided, the Subgrantee must provide a **project employment and local impact report**
- Certification that a project either will use a unionized project workforce or includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f))
  - If such certification is not provided, the Subgrantee must provide a **project workforce continuity plan**

# PROJECT EMPLOYMENT AND LOCAL IMPACT REPORT REQUIREMENTS

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1

Number of contractors and sub-contractors working on the project

2

Number of workers on the project hired directly and hired through a third party

3

Wages and benefits of workers on the project by classification

4

Whether those wages are less than prevailing wage rates

# PROJECT WORKFORCE CONTINUITY PLAN REQUIREMENTS

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1. Steps taken and to be taken to ensure the project has ready access to a **sufficient supply of appropriately skilled and unskilled labor** to ensure construction is completed in a competent manner throughout the life of the project, including a **description of any required professional certifications** and/or in-house training, Registered Apprenticeships or labor-management partnership training programs, and partnerships with entities like unions, community colleges, or community-based groups
2. Steps taken and to be taken to **minimize risks of labor disputes** and disruptions that would jeopardize timeliness and cost-effectiveness of the project
3. Steps taken and to be taken to **ensure a safe and healthy workplace** that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution
4. The **name of any subcontracted entity performing work on the project**, and the total number of workers employed by each such entity, disaggregated by job title
5. Steps taken and to be taken to **ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce** in the context of the local or regional labor market

# BABA REPORTING

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- Manufacturers must provide a ***BABA certification letter*** to subgrantees for equipment that requires domestic production in the BABA waiver
  - Subgrantees are required to maintain this certification letter should there be an audit
- Subgrantees must report information—such as specific types of equipment, their ubiquity, and country of origin—on finished waived electronics utilized in BEAD deployments ([BEAD reporting subrecipient tracker](#))
- More information about the manufacturer certification letter and the specific reporting requirements can be found on the [BBUSA BABA Compliance and Self Certification page](#)

# BABA SELF-CERTIFICATION

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- Manufacturers may certify that the equipment they produce meets the domestic manufacturing requirements from the BEAD BABA waiver
- Self-certification is completely voluntary and aims to limit fraudulence
- The Department of Commerce (DOC) will publish a Self-Certification page listing manufacturers that have completed the certification process
- Instructions for how to participate can be found under the [“Approved Waiver” section on the US DOC BABA page](#)



# CLOSEOUT REPORTING REQUIREMENTS

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1

Due within a brief period after a subgrantee has expended all grant funds received

2

Includes Closeout Report and Federal Interest filing (UCC-1s)

3

NTIA may prescribe additional reporting requirements (in addition to those included on next slide)

# CLOSEOUT REPORT REQUIREMENTS

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1

Describes how the Subgrantee expended the funds

2

Describes each service provided with the grant funds

3

Describes the locations at which broadband service was made available using the grant funds, including matching funds, the locations at which broadband service was utilized, and the comparative demographics of those served

4

Includes each report that the Eligible Entity received from a Subgrantee under Section 60102(j) of the Infrastructure Act

5

Certifies that the Eligible Entity complied with the requirements and with any additional reporting requirements prescribed by the Assistant Secretary

# QUESTIONS?

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Nevada Governor's  
Office of Science,  
Innovation and  
Technology

**Questions and Feedback:  
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